

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

GREGORY WRIGHT,

Plaintiff,

v.

WAFFLE HOUSE, INC.,

Defendant.

No. 3:13-00663
JUDGE HAYNES

OWDEN
The deposition
is STAYED
pending a ruling
on this
motion.

MOTION FOR PROTECTIVE ORDER AND TO QUASH NOTICE OF DEPOSITION

COMES now Plaintiff, by and through counsel, pursuant to Rule 26(c)(1) of the Federal Rules of Civil Procedure and Local Rules 37.01(a) and (b)(3), and moves this Court for the entry of a protective order to quash the Notice of Deposition served on Plaintiff to take the deposition of Plaintiff on April 23, 2014. In support of his motion, Plaintiff avers the following:

See
USDC
4-23-14

1. Plaintiff received a letter from Defendant on March 27, 2014, with a Notice of Deposition for Plaintiff setting his deposition for April 15, 2014. Defendant did not confer with Plaintiff's counsel and unilaterally set the deposition. (See Exhibit 1) Defendant did not request dates to conduct Plaintiff's deposition prior to sending out a notice.

2. Plaintiff made contact with Defendant on the morning of Monday, April 14, 2014, and advised counsel for Plaintiff was already scheduled for another deposition on the noticed date of April 15, 2014.¹ Counsel's paralegal advised she would provide dates to Defendant to reset Mr. Wright's deposition.

3. Defendant noticed Plaintiff's deposition, once more without consulting with Plaintiff's counsel, for April 23, 2014 and mailed the notice wherein Plaintiff didn't receive it

¹ Deposition of James P. Fleming in the matter of *James P. Fleming, Jr. v. Steak 'N Shake Operations, Inc.*, U.S. District Court Docket No. 3:13-00546.